

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	11-00002-01-CR-W-ODS
JOSEPH CHAVEZ,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on June 6, 2011. Defendant Joseph Chavez appeared in person and with Michael Walker. The United States of America appeared by Assistant United States Attorney Stefan Hughes.

I. BACKGROUND

On January 4, 2011, an indictment was returned charging defendant with possessing a firearm while an unlawful user of or addicted to methamphetamine and marijuana, in violation of 18 U.S.C. §§ 922(g)(3) and 924(a)(2).

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Hughes announced that he will be the trial counsel for the government. The case agent to be seated at counsel table is Detective Joseph Christianson, Independence Police Department.

Mr. Walker announced that he will be the trial counsel for defendant Joseph Chavez.

III. OUTSTANDING MOTIONS

There are no pending motions in this case.

IV. TRIAL WITNESSES

Mr. Hughes announced that the government intends to call 13 witnesses without stipulations or 8 witnesses with stipulations during the trial.

Mr. Walker announced that defendant Joseph Chavez intends to call no witnesses during the trial. The defendant will not testify.

V. TRIAL EXHIBITS

Mr. Hughes announced that the government will offer approximately 7 exhibits in evidence during the trial.

Mr. Walker announced that defendant Joseph Chavez will offer no exhibits in evidence during the trial.

VI. DEFENSES

Mr. Walker announced that defendant Joseph Chavez will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Walker stated this case is definitely for trial.

VIII. STIPULATIONS

Stipulations are likely as to interstate nexus of firearm.

IX. TRIAL TIME

Counsel were in agreement that this case will take 2 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed May 3, 2011, counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by June 15, 2011;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, June 22, 2011;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions¹ by or before noon, Wednesday, June 22, 2011. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on June 27, 2011.

/s/ Robert E. Larsen
ROBERT E. LARSEN
U. S. Magistrate Judge

Kansas City, Missouri
June 6, 2011

cc: Mr. Kevin Lyon

¹Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the trial letter which will be prepared by Judge James England, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by Friday, June 24, 2011. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. **The instructions shall be listed in the order they are to be given.**